

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CHRISTOPHER L. SHELTON,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:05-0617
)	Judge Echols
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

For the reasons set forth in the Memorandum issued contemporaneously herewith, the Court hereby rules as follows:

(1) The Order (Docket Entry No. 43) vacating the Report and Recommendation of the Magistrate Judge (Docket Entry No. 36) is hereby RESCINDED and the R & R is hereby REINSTATED;

(2) The Report and Recommendation of the Magistrate Judge (Docket Entry No. 36) is hereby REJECTED;

(3) The Government's Objection to the Report and Recommendation (Docket Entry No. 37) is hereby SUSTAINED;

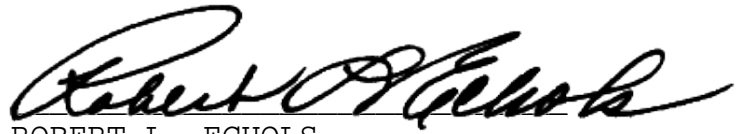
(4) Petitioner's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (Docket Entry No. 1) is hereby DENIED;

(5) Because reasonable jurists could differ on the issue, a Certificate of Appealability is hereby GRANTED on Petitioner's claim that he was denied the effective assistance of counsel because he allegedly told counsel to file a notice of appeal but counsel failed to file such a notice; and

(6) This case is hereby DISMISSED WITH PREJUDICE.

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE